

**Permitting and Assistance Branch Staff Report**  
New Minor Waste Tire Facility Permit for Rubber Recovery, Inc.  
TPID No. 1620515  
March 2, 2012

**Background Information, Analysis, and Findings:**

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) application received from the operator of Rubber Recovery, Inc. located at 10672 Suite B Calabash Avenue, in the City of Fontana. Rubber Recovery, Inc. has been operating as a waste tire processor since 1998 in Azusa, CA. In April 2010, the business was relocated from 1501 West Gladstone Street, Azusa to 10672 Suite B Calabash Avenue, Fontana. However, the Fontana location was not permitted and CalRecycle issued a clean-up and abatement order (2011-010991) to the operator. Operations were curtailed in June/July 2011 in accordance with the Stipulated Agreement by and between Rubber Recovery, Inc. and CalRecycle. The Stipulated Agreement requires the operator to obtain a WTFP by February 15, 2012. The property site is 2.52 acres with approximately 7,500 square feet of existing structures, located within a Community Industrial (IC) zone.

The operator will be storing up to 4,999 waste tires outdoors. Waste tires can only be stored within the local fire authority approved tire storage areas.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on August 19, 2011, which was accepted as complete and correct on September 16, 2011. On January 24, 2012, Permitting and Assistance Branch staff received an amendment to the initial application to reflect current operations. This was not considered a new application. Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, CalRecycle has 180 calendar days from the date the initial application is accepted as complete and correct to either issue or deny the issuance of a minor WTFP. CalRecycle is required to act by March 14, 2012.

**Findings**

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Permitting and Assistance Branch.

The following table summarizes the staff's findings relative to the permit application:

	<b>Findings</b>	
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Storage Facility Permit is categorically exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on December 14, 2011 and January 10, 2012. The facility was found in compliance with the applicable waste tire storage design requirements. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d)	All application forms were accepted by Permitting and Assistance Branch staff as complete and correct on September 16, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<p><i>Local Vector Control:</i> The San Bernardino County Environmental Services-Vector Control's acceptance letter of vector control practices was issued by Wakoli Wekesa, PhD., Vector Ecologist, on August 12, 2011.</p> <p><i>Local Fire Authority:</i> The County of San Bernardino Fire Department staff completed the CalRecycle's outdoor "Local Fire Approval Form" signed by Mr. Maurice Moore, Fire Prevention Officer, on September 15, 2011. At the request of the San Bernardino County Fire Department (SBCFD) the operator hired a consultant, JE Compliance, to address the 2010 California Fire Code. The consultant recommended that the operator install a fire hydrant on the north property boundary. At the request of the SBCFD, the operator stated his intent to install the fire hydrant in a letter to Mr. Moore, dated November 9, 2011. No "Correction Notice" has been issued by the SBCFD, nor has any specific due date for the completion of the installation of the new fire hydrant been directed to the operator. On February 28, 2012, Permitting and Assistance Branch staff had a telephone conversation with Mr. Moore regarding the fire hydrant installation. Mr. Moore stated he is satisfied with the operator's progress in moving forward with the fire hydrant installation. Currently, the operator is in the bidding process.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office Waste Evaluation and Enforcement Branch	<p>Approved on March 1 , 2012</p> <p>Approved on February 2, 2012</p>	

**Compliance History:**

Staff of WEEB and of Permits and Assistance Branch conducted a pre-permit inspection on December 14, 2011 and January 10, 2012 and found the site in compliance with the applicable Waste Tire Storage Standards. One permit violation of the Public Resource Code, section 42834 was cited on the inspection forms. The permit violation will be corrected after the issuance of this permit. The facility is currently operating under a Stipulated Agreement which allows Rubber Recovery to continue to operate while processing its application for a minor waste tire permit. The Stipulated Agreement requires Rubber Recovery, Inc. to:

- Cease violation of waste tire storage and hauler laws;
- To store up to 4,999 waste tire (which includes all products derived from waste tires) on site;
- Acquire local approval for the operations of a minor waste tire facility by August 15, 2011;
- Comply with Correction Notice issued by the San Bernardino County Fire Department on May 22, 2011;
- Submit a complete a minor waste tire facility permit application to CalRecycle by August 15, 2011; and
- Obtain a minor WTFP by February 15, 2012.

**Environmental Analysis:**

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA (CEQA Guidelines 15378(a) (3)) and the facility is required to obtain a permit pursuant to 14 CCR Section 18420 for the outdoor storage of up to 4,999 waste tires.

Rubber Recovery, Inc., is located within an Industrial Community (IC) zone and operates within the applicable zoning designation of the San Bernardino County Code for the use of land for open storage of waste tires. The San Bernardino County Code was most recently amended on June 12, 2011, and is consistent with the San Bernardino County General Plan, Framework Element. The General Plan, Framework Element was originally adopted by the San Bernardino County Board of Supervisor on December 11, 1996, and re-adopted on August 8, 2001.

Staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- Has no value as habitat for endangered, rare or threatened species;
- Would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

- Can be served by all required utilities and public services.

CalRecycle staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 - Existing Facilities is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from what currently exist. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

### **Public Comment**

Permitting and Assistance Branch staff discussed this proposed Minor WTFP at CalRecycle's monthly public meeting conducted on February 21, 2012. No public comments were received on this project during this meeting and no other public comment has been received by CalRecycle staff.

Attachment: Minor WTFP